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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/935,889

08/23/2001

Shunichi Sekiguchi

3815/128

2978

22913

7590

06/16/2006

WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

JACOBS, LASHONDA T

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/935,889

Applicant(s)

SEKIGUCHI ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-49 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-49 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

This Office Action is in response to Applicants Amendment/Request for Reconsideration filed on March 28, 2006. Claims 32-49 and 60 are presented for further examination.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **32-49** and **60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al (hereinafter, "Fox", U.S. Pat. No. 6,654,786) in view of Steinberg (U.S. Pat. No. 6, 618, 763).

As per claims **32**, **41** and **60**, Fox discloses a wireless terminal, control method and computer-readable medium comprising:

- means for transmitting data about said wireless terminal to a push delivery control unit (abstract and , col. 5, lines 17-29);
- means for receiving summary content which is decided to be deliverable by said push delivery control unit from a push server for storing the summary content which is a summary of detailed content (col. 6, lines 64-67 and col.7, lines 1-21);
- means for instructing a pull server to transmit the detailed content corresponding to the received summary content (col. 7, lines 3-21); and

- means for receiving the detailed content corresponding to the received summary content from said pull server (col. 7, lines 3-21).

However, Fox does not explicitly disclose:

- means for displaying the received summary content according to data about said wireless terminal that is not transmitted to said push delivery control unit, the data differing from the data about said wireless terminal which is transmitted to said push delivery control unit.

Steinberg discloses a virtual private wireless network implementing message delivery preferences of the user comprising:

- means for displaying the received summary content according to data about said wireless terminal that is not transmitted to said push delivery control unit, the data differing from the data about said wireless terminal which is transmitted to said push delivery control unit (col. 1, lines 64-67, col. 2, lines 1-7, col. 5, lines 5-19 and lines 30-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Steinberg's teachings of a virtual private wireless network implementing message delivery preferences of the user for the purpose of providing a wireless network in which the manner of content is delivered to the wireless device is transparent to the user [Steinberg, col. 1, lines 50-52]. Thus, Fox provides the motivation to combine by utilizing a method and apparatus for informing wireless clients about updated information to allow internet hosts to push information to user of all types of wireless networks [Fox, col. 2, lines 23-28].

As per claims **33** and **42**, Fox discloses:

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- wherein said means for displaying the received summary content further displays the summary content according to a display control code for controlling display of content on said terminal (col. 5, lines 42-57).

As per claims **34** and **43**, Fox discloses:

- wherein the data about said wireless terminal includes data about content display capability of said wireless terminal and data about a user of said wireless terminal (col. 9, lines 32-46).

As per claims **37** and **46**, Fox discloses:

- wherein the data about said wireless terminal includes data about a user of said wireless terminal and data about a location of said wireless terminal (col. 9, lines 32-46).

As per claims **36**, **39**, **45** and **48**, Fox discloses:

- wherein the data about said wireless terminal includes data about content display capability of said wireless terminal, data about a user of said wireless terminal, and data about a location of said wireless terminal (col. 9, lines 32-46).

As per claims **35**, **38**, **40**, **44**, **47** and **49**, Fox discloses the invention substantially as claims discussed above.

However, Fox does not explicitly disclose:

- wherein the data about the user of said wireless terminal consists of data which is transmitted to said push delivery control unit and data which is not transmitted to said push delivery control unit.

Steinberg discloses a virtual private wireless network implementing message delivery preferences of the user comprising:

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- means for displaying the received summary content according to data about said wireless terminal that is not transmitted to said push delivery control unit, the data differing from the data about said wireless terminal which is transmitted to said push delivery control unit (col. 1, lines 64-67, col. 2, lines 1-7, col. 5, lines 5-19 and lines 30-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Steinberg's teachings of a virtual private wireless network implementing message delivery preferences of the user for the purpose of providing a wireless network in which the manner of content is delivered to the wireless device is transparent to the user [Steinberg, col. 1, lines 50-52]. Thus, Fox provides the motivation to combine by utilizing a method and apparatus for informing wireless clients about updated information to allow internet hosts to push information to user of all types of wireless networks [Fox, col. 2, lines 23-28].

### ***Response to Arguments***

3. Applicant's arguments with respect to claims **32-49** and **60** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,745,226 to Guedalia

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

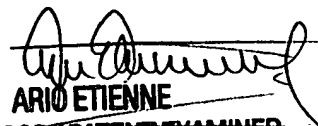
The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
June 3, 2006

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2100